

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JON C. SPRAUVE,)
)
)
Plaintiff,)
)
)
v.) 1:25-cv-106
)
)
UNKNOWN OFFICIAL AT DURHAM)
COUNTY DETENTION CENTER,)
Psychiatrist,)
)
)
Defendant.)

ORDER

This matter is before the court for review of the Order and Recommendation ("Recommendation") filed on February 19, 2025, by the United States Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 6.) In the Recommendation, the Magistrate Judge recommends that Plaintiff's Complaint, (Doc. 2), should be dismissed without prejudice to Plaintiff filing a new complaint, on the proper forms, accompanied by the applicable \$405.00 filing fee. The Recommendation was served on Plaintiff on February 19, 2025. (Doc. 7). Plaintiff filed timely objections, and supplements to the Recommendation. (Docs. 9, 10, 11.)

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or

modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." *Id.*

This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

The court notes that Plaintiff filed as a supplement in support of his objections a Complaint for Violation of Civil Rights. (Doc. 10.) Although filed on the proper § 1983 form, the complaint was not accompanied by the applicable \$405.00 filing fee. The court construes this supplement as an improper attempt to amend the original complaint without the applicable \$405.00 filing fee. The filing fee is appropriately required because Plaintiff's prior complaints which were held to be frivolous or otherwise failed to state a claim. The filing is therefore insufficient to foreclose dismissal of this action.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 6), is **ADOPTED**. **IT IS FURTHER ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE** to Plaintiff filing a new complaint, on the proper § 1983 forms, accompanied by the applicable \$405.00 filing fee.

A Judgment dismissing this action will be entered
contemporaneously with this Order.

This the 18th day of March, 2025.

William L. Ostan, Jr.
United States District Judge